

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed July 5, 2005 and the Advisory Action mailed September 19, 2005. In order to advance prosecution of this case, Applicants amend Claims 1 and 11. Additionally, Applicants add new Claims 21-31, which are fully supported by the Application as originally filed. Applicants also cancel Claims 4 and 18 without prejudice or disclaimer. Applicants previously canceled Claims 19 and 20 without prejudice or disclaimer. Applicants respectfully note that, with respect to all cancellations and amendments herein, Applicants reserve the right to pursue broader subject matter than that presently claimed through the filing of continuations and/or other related applications. Applicants respectfully request reconsideration and favorable action in this case.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication in the Final Office Action that Claims 4 and 6-10 would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. Applicants amend Claim 1 to include elements of Claim 4 that the Examiner indicates would be allowable if rewritten in independent form. Claim 1 is thus allowable in accordance with the Examiner's indications. Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

The amendment to Claim 1 is identical to the amendment made by Applicants in a response to the Final Office Action filed September 8, 2005 ("the Response to Final Office Action"), which the Examiner did not enter. In the Advisory Action, the Examiner states that "Claims [sic] 1 has been amended to include new limitation 'updating a virtual machine counter in the virtual machine object when a replication packet is received that includes the virtual IP address', which is not supported by specification . . ." *Advisory Action*, p. 2. Applicants respectfully traverse this assertion and respectfully assert that the Examiner has misread Claim 1. Applicants note that the element "updating a virtual machine counter in the virtual machine object when a replication packet is received that includes the virtual IP address" was a part of Claim 4 as originally filed. Moreover, Applicants respectfully remind the Examiner of the Examiner's indication that Claim 4 would be allowable if rewritten in independent form. Applicants respectfully note that as amended Claim 1 represents elements

of Claim 4 rewritten in independent form. Claim 1 is thus allowable. Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

Additionally, Applicants add new Claims 21 and 27 which include elements of Claims 6 and 11, respectively, which the Examiner indicates would be allowable if rewritten in independent form. New Claims 21 and 27 are identical to Claims 21 and 27 that Applicants attempted to add in the Response to Final Office Action. In the Advisory Action, the Examiner states that “[C]laims 21-31 have been added, which requires additional search . . .” The Examiner further indicates that “Claim 6 does not seem to be included in claims [sic] 21, as mentioned by applicant . . .” *Advisory Action*, p. 2. Applicants respectfully dispute both of these assertions and note that, as indicated in the Response to Final Office Action, Claim 21 includes elements of Claim 6 as originally filed. While Applicants note that elements of Claim 6 may have been reordered to improve readability when incorporated into Claim 21, Claim 21 does in fact include elements of Claim 6 rewritten in independent form, as Applicants indicated in the Response to Final Office Action. Moreover, Applicants respectfully remind the Examiner of the Examiner’s indication that Claim 6 would be allowable if rewritten in independent form. Claim 21 is thus allowable. Applicants respectfully request reconsideration and allowance of Claim 21 and its dependents.

With respect to Claim 27, the Examiner provides no basis for rejecting new Claim 27 in the Advisory Action. Furthermore, as noted by the Applicant in the Response to Final Office Action, Claim 27 includes elements of Claim 11 which the Examiner indicates would be allowable. While the elements of Claim 11 have been slightly reworded to improve readability, Applicants submit that the modifications do not affect the scope of these elements. Moreover, Applicants respectfully remind the Examiner of the Examiner’s indication that Claim 11 would be allowable if rewritten in independent form. Because Claim 27 includes the elements of Claim 11, Claim 27 is allowable in accordance with the Examiner’s indications. Applicants respectfully request reconsideration and allowance of Claim 27 and its dependents.

Additionally, the Examiner notes that “Claims 6 and 11 have not been cancelled after if these have been included in claims 21 and 27 respectively, as mentioned.” *Advisory Action*, p. 2. Applicants respectfully note that Claims 6 and 11 depend from Claim 1, which now includes elements of original Claim 4. Meanwhile, Claims 21 and 27 include elements

of original Claims 6 and 11, respectively, without the addition of any elements from Claim 4. As a result, Claims 6 and 11 in their current form are not coextensive in scope with new Claims 21 and 27. Thus, Applicants respectfully note that, although the Examiner has specified no grounds for requiring Applicants to cancel Claims 6 and 11, cancellation of Claims 6 and 11 is unnecessary.

Objections to the Specification

In the Final Office Action, the Examiner objected to the specification for various informalities. Applicants respectfully traverse this rejection as the Examiner fails to specify any statutory or other appropriate basis for these objections. Nonetheless, for the purposes of advancing prosecution, Applicants amend the specification, as indicated above, thereby obviating the Examiner's objections.

Section 103 Rejections

In the Final Office Action, the Examiner rejected Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,366,558 issued to Howes et al. ("*Howes*") in view of U.S. Patent No. 5,713,017 issued to Lin et al. ("*Lin*"). Claim 3 depends from Claim 1, which has been shown above to be allowable. Claim 3 is thus allowable for at least this reason. Applicants respectfully request reconsideration and allowance of Claim 3.

New Claims

Applicants add Claims 21-31. As noted above, Claims 21 and 27 include elements of original Claims 4 and 11 that the Examiner indicates are not disclosed, taught, or suggested by the cited references. Claims 21 and 27 are thus allowable for at least this reason. Applicants respectfully request consideration and full allowance of Claims 21 and 27, and their respective dependents.

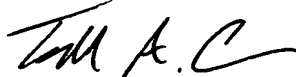
Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

A check in the amount of 120.00 is enclosed to cover the fee for a one month extension of time and a check in the amount of \$790.00 is enclosed to cover the RCE fee. No other fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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